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July 1, 2020

**BY ECF**

Honorable Alison J. Nathan  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 2102  
New York, New York 10007

**Re: *City of Almaty v. Kazakhstan, et al. v. Mukhtar Ablyazov, et al.*,  
No. 15 Civ. 5345 (AJN) (KHP)**

Dear Judge Nathan:

We represent the City of Almaty, Kazakhstan and BTA Bank JSC (together, the “Kazakh Entities”) in the above-referenced case.

Today, BTA Bank filed a motion for partial summary judgment, limited to its judgment recognition claims against Mukhtar Ablyazov. As we note in the supporting memorandum, on June 1, 2020, the Court ordered BTA to show cause why those claims should not be dismissed for lack of subject matter jurisdiction. *See* ECF No. 1254. BTA responded to the order to show cause on June 22, 2020, explaining why the Court has jurisdiction over the claims against Ablyazov. We flag the issue because the Court obviously need not consider the motion for summary judgment until it determines that there is subject matter jurisdiction over the claims.<sup>1</sup>

BTA and Almaty have also filed today motions to preclude or limit the testimony of three expert witnesses (Thomas Tener, Ilan Guedj, and Ryan Pisarik) offered by defendant Triadou SPV S.A. under Rule 702 of the Federal Rules of Evidence and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). The Kazakh Entities of course reserve their right to challenge the witnesses’ testimony on any other grounds at trial or *in limine*, should the Court not grant the motions in full.

Pursuant to Rule 3.E of Your Honor’s Individual Practices, we respectfully request oral argument on any and all of these motions, if the Court believes that such argument would be helpful. Based on our discussions with defense counsel, we likewise anticipate that Triadou will be filing its own motions for summary judgment and under *Daubert* today, and respectfully request argument on those motions, if it would be helpful to the Court.

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<sup>1</sup> In the same June 22 submission, the Kazakh Entities sought reconsideration of the dismissal of the judgment recognition claim against Ilyas Khrapunov. Because that claim has actually been dismissed, we have not filed a summary judgment motion. Should the Court grant reconsideration, BTA Bank will be prepared to file a motion for summary judgment on that claim promptly. Alternatively, if the Court would find it more efficient, BTA Bank can file a motion for summary judgment on the Article 53 claim against Khrapunov now, pending a ruling on the motion for reconsideration.

**BSF**

Thank you for your consideration.

Respectfully,

/s/ Matthew L. Schwartz  
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